

109TH CONGRESS
1ST SESSION

S. 739

To require imported explosives to be marked in the same manner as
domestically manufactured explosives.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2005

Mr. KOHL (for himself and Mr. HATCH) introduced the following bill; which
was read twice and referred to the Committee on the Judiciary

A BILL

To require imported explosives to be marked in the same
manner as domestically manufactured explosives.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. IDENTIFICATION OF EXPLOSIVE MATERIALS.**

4 (a) IN GENERAL.—Section 842 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(q) IDENTIFICATION OF EXPLOSIVE MATERIALS.—

8 “(1) IN GENERAL.—It shall be unlawful for any
9 person to manufacture or import explosive materials
10 for sale or distribution unless the explosive materials

1 are legibly identified by marking in accordance with
2 this subsection.

3 “(2) TYPE AND PLACEMENT OF MARKING.—

4 The marks required under this subsection shall—

5 “(A) identify the name of the manufac-
6 turer;

7 “(B) identify the location, date, and shift
8 of manufacture;

9 “(C) be placed on each cartridge, bag, or
10 other immediate container of explosive mate-
11 rials manufactured for sale or distribution; and

12 “(D) be placed on the outside container, if
13 any, used for the packaging of explosive mate-
14 rials manufactured for sale or distribution.

15 “(3) EXCEPTIONS.—

16 “(A) DETONATORS.—Licensed manufac-
17 turers or importers of detonators are only re-
18 quired to place the identification marks pre-
19 scribed in paragraph (2) on the containers used
20 for the packaging of detonators.

21 “(B) AUTHORIZATION OF ALTERNATIVE
22 IDENTIFICATION.—The Attorney General may
23 authorize a licensed manufacturer or importer
24 to identify explosive materials in a different
25 manner than the manner prescribed by para-

graph (2) upon receipt from the manufacturer or importer of a written application showing that the alternative identification is reasonable and will not hinder the effective administration of this section.

“(C) FIREWORKS.—The Attorney General may authorize the licensed manufacturer or importer to identify fireworks in a different manner than the manner prescribed by paragraph (2).

“(4) REPORT.—Not later than 24 hours after the release of explosive materials from the custody of the United States Customs and Border Protection, the importer of such explosive materials shall submit a report to the Attorney General, in a format to be determined by the Attorney General, that contains—

“(A) the name and address of the importer;

“(B) the manufacturer of the explosive materials;

“(C) the city and country where the explosive materials being imported were manufactured;

1 “(D) the product name, size, and other
2 marks of identification on the explosive mate-
3 rials; and

4 “(E) the date and shift of manufacture of
5 the explosive materials.”.

6 (b) RULEMAKING.—

7 (1) IN GENERAL.—Not later than 6 months
8 after the date of enactment of this Act, the Attorney
9 General shall issue final regulations to carry out the
10 amendment under subsection (a).

11 (2) DEFERENCE REQUIREMENT.—In promul-
12 gating the regulations required under paragraph (1),
13 the Attorney General shall give deference to the
14 standards for safety and security marking recog-
15 nized in the explosives industry.

16 (c) ENFORCEMENT.—Section 844(a)(1) of title 18,
17 United States Code, is amended by striking “or (l)
18 through (o)” and inserting “, (l) through (o), or (q)”.

○